

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

D'ANDRA SMITH,)
vs.)
UNSPECIFIED,)
Plaintiff,)
Defendant.)
1:12-cv-01186-TWP-TAB

Entry and Notice

I.

There is one and only one means by which to commence a civil action in federal court. That means is through the filing of a complaint. *In re Allied Signal Corp.*, 915 F.2d 190, 192 (6th Cir. 1990) ("an action is commenced with the filing of a complaint rather than a motion"); 1 James Wm. Moore et al., **MOORE'S FEDERAL PRACTICE** § 3.02[1] (3d ed. 2000) ("an action is not commenced by . . . filing a motion with the court . . .").

“A complaint must always . . . allege enough facts to state a claim to relief that is plausible on its face.” *Limestone Development Corp. v. Village of Lemont, Ill.*, 520 F.3d 797, 803 (7th Cir. 2008) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1949 (2009).

II.

A.

The complaint filed by D'Andra Smith on August 21, 2012, fails to supply sufficient information to constitute a complaint as required by the *Federal Rules of Civil Procedure*. Specifically, Fed.R.Civ.P. 8(a)(2) requires that pleadings contain "a short and plain statement of the claim showing that the pleader is entitled to relief. . ." Ms. Smith does not list the name and address of the person(s) or entity she intends to sue and her complaint does not contain any statement regarding the claim. Ms. Smith shall have **through September 20, 2012**, in which to file an amended complaint which complies with the foregoing and with Rule 8(a)(2) of those *Rules*.

B.

If an amended complaint is filed as permitted by Part II.A. of this Entry, (a) the complaint shall comply with the requirement of Rule 8(a)(2) of the *Federal Rules of Civil Procedure* that pleadings contain "a short and plain statement of the claim showing that the pleader is entitled to relief. . ."; (b) the complaint shall comply with the requirement of Rule 10 that the allegations in a complaint be made in numbered paragraphs, each of which should recite, as far as practicable, only a single set of circumstances; (c) the complaint must identify what legal injury she claims to have suffered and what persons are responsible for each such legal injury; and (d) the complaint shall contain a clear statement of the relief which is sought.

If an amended complaint is submitted as directed above, the plaintiff should place the above cause number on it and the court will direct its further processing as warranted. If a complaint is not filed as directed above, the action will be closed without further notice to the plaintiff.

III.

The plaintiff's request to proceed *in forma pauperis* [Dkt. 2] is **denied** because the plaintiff has not filed a complaint as contemplated by the *Federal Rules of Civil Procedure*.

IT IS SO ORDERED.

Date: 08/29/2012



Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

Distribution:

D'ANDRA SMITH
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